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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,863	02/24/2004	Johan van de Groenendaal	063170.6774 (20000213-CON)	3676
5073	7590	08/10/2006	EXAMINER PHAM, MICHAEL	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			ART UNIT 2167	PAPER NUMBER

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/786,863	<b>Applicant(s)</b> GROENENDAAL ET AL.	
	<b>Examiner</b> Michael D. Pham	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/24/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/24/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

1. Claims 1 - 14 have been examined.
2. Claims 1 - 14 are pending.
3. Claims 1 - 14 are rejected as detailed below.

***Priority***

*Applicant's have claimed domestic priority to U.S. Provisional Application 60/454966 filed March 14, 2003. Accordingly, the application has been examined with an effective filing date of March 14, 2003.*

***Specification***

The disclosure is objected to because of the following informalities: page 8, appears to be a typo for the word modeller. Appropriate correction is required.

***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 5 elements are not disclosed in specifications. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in

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the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: figure 6 elements are not disclosed in specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

Claim 9 is objected to because of the following informalities: modeller appears to be a typo. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Signals are not considered to fall within one of the four statutory categories of invention. Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14.

Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-9 are directed to an apparatus where all of the elements would reasonably be interpreted by one of ordinary skill in light of the disclosure as software, such that the apparatus is software per se.

Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1-14 do not appear to disclose a tangible result because to perform a physical transformation, the claimed invention must transform an article or physical object into a different state or thing. Transformation of data is not a physical transformation. Therefore the claims do not appear to claim a practical application yielding a tangible result.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6226649 by Bodamer et. al. (hereafter Bodamer).

**Claim 1:**

Bodamer discloses,

an apparatus for network management in a heterogeneous environment, comprising:

**a relational interface adapted to receive a relational query from a software application requesting management information from a specified information source** [Col. 15 lines 5-15, local server receives an SQL statement. Determines whether the client SQL statement includes a reference to a foreign database system.];

**a relational mapper adapted to translate the relational query received through the relational interface from the software application, to native protocol messages according to an access protocol associated with the information source** [col. 15 lines 17-27, if the local server determines the client statement includes a reference to a foreign database system, submits the client statement to heterogeneous services. The client statement is intercepted and mapped onto the generic API to the agent corresponding to the referenced foreign database system.]; and

**a protocol transaction handler adapted to handle the native protocol messages as a transaction with the information source, and return a result of the transaction to the software application** [Col. 16 lines 52-57, agent process extracts the data from the foreign database system. Col. 5 lines 5-18, able to receive data from the foreign database server.].

**Claim 2:**

Bodamer discloses,

**the apparatus of claim 1, wherein the relational mapper includes a relational model of the information source** [Col. 1 lines 55-58, database systems consist of relational models. Col. 2 lines 16-25, maps the data representation and functionality of one data source onto another data source. Col. 8 lines 22-40, Translation of relational data includes equivalent formats presented in order to translate foreign and local server.].

**Claim 3:**

Bodamer discloses,

**the apparatus of claim 1, wherein the relational mapper is adapted to translate a query to plural messages corresponding to plural access protocols** [Col. 3 lines 3-7, plurality of operations that need to be performed to execute the client statement, sending the request to an agent in communication with the foreign database to perform at least one of said operations.].

**Claim 4:**

Bodamer discloses,

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**the apparatus of claim 1, wherein the relational mapper is expandable to receive queries directed to additional information sources which use other protocols different from said access protocol, transparent to said software application [col. 2 lines 45-51, able to utilize other foreign databases.].**

**Claim 5:**

Bodamer discloses,

**the apparatus of claim 1, wherein the collection of information of the information source is viewed as a relational database [Col. 16 lines 52-57, agent process extracts the data from the foreign database system. Col. 5 lines 5-18, able to receive data from the foreign database server. The ].**

**Claim 6:**

Bodamer discloses,

**the apparatus of claim 1, wherein the relational query is independent of management and/or access protocols [Col. 15 lines 5-15, local server receives an SQL statement.**

**Determines whether the client SQL statement includes a reference to a foreign database system.]**

**Claim 7:**

Bodamer discloses,

**the apparatus of claim 1, wherein the translation of the relational query to native protocol messages is an abstraction transparent to said software application [Col. 8 lines 22-**



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40, Translation of relational data includes equivalent formats presented in order to translate foreign and local server].

**Claim 8:**

Bodamer discloses,

**the apparatus of claim 1, wherein a form of the relational query does not depend on the access protocol to which the relational query is to be translated** [col. 2 lines 45-50, provides transparent integration of native and non-native databases].

**Claim 9:**

Bodamer discloses,

a relational modeller apparatus adapted

**to translate a relational query from a software application requesting management information from a specified information source** [Col. 15 lines 5-15, local server receives an SQL statement. Determines whether the client SQL statement includes a reference to a foreign database system. col. 15 lines 17-27, if the local server determines the client statement includes a reference to a foreign database system, submits the client statement to heterogeneous services. The client statement is intercepted and mapped onto the generic API to the agent corresponding to the referenced foreign database system],

**to native protocol messages according to an access protocol associated with the information source, wherein said native protocol messages is handled as a transaction with**

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**the information source** [Col. 16 lines 52-57, agent process extracts the data from the foreign database system. Col. 5 lines 5-18, able to receive data from the foreign database server.].

**Claim 10:**

Bodamer discloses,

a computer data signal embodied in a transmission medium, for network management in a heterogeneous environment, comprising:

**a first segment including relational interface code to receive a relational query from a software application requesting management information from a specified information source**[Col. 15 lines 5-15, local server receives an SQL statement. Determines whether the client SQL statement includes a reference to a foreign database system.];

**a second segment including relational mapper code to translate the relational query received from the software application, to native protocol messages according to an access protocol associated with the information source**[col. 15 lines 17-27, if the local server determines the client statement includes a reference to a foreign database system, submits the client statement to heterogeneous services. The client statement is intercepted and mapped onto the generic API to the agent corresponding to the referenced foreign database system.]; and

**a third segment including protocol transaction handler code to handle the native protocol messages as a transaction with the information source, and return a result of the transaction to the software application**[Col. 16 lines 52-57, agent process extracts the data from the foreign database system. Col. 5 lines 5-18, able to receive data from the foreign database server.].

**Claim 11:**

Bodamer discloses,

a method for network management in a heterogeneous environment, comprising:

**receiving a relational query from a software application requesting management information from a specified information source**[Col. 15 lines 5-15, local server receives an SQL statement. Determines whether the client SQL statement includes a reference to a foreign database system.];

**translating the relational query received from the software application, to native protocol messages according to an access protocol associated with the information source** [col. 15 lines 17-27, if the local server determines the client statement includes a reference to a foreign database system, submits the client statement to heterogeneous services. The client statement is intercepted and mapped onto the generic API to the agent corresponding to the referenced foreign database system.]; and

**handling the native protocol messages as a transaction with the information source and returning a result of the transaction to the software application**[Col. 16 lines 52-57, agent process extracts the data from the foreign database system. Col. 5 lines 5-18, able to receive data from the foreign database server.].

**Claim 12:**

Bodamer discloses,

**a computer system, comprising:**

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**a processor** [figure 2, element 102 a processor]; and

**a program storage device readable by the computer system, tangibly embodying a program of instructions executable by the processor to perform the method claimed in claim 11** [Figure 2, elements 104 and 107, main memory and storage device. Claim 12 is further rejected by similar rational as claim 11 by Bodamer].

**Claim 13:**

Bodamer discloses,

**a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method claimed in claim 11** [Figure 2, elements 104 and 107, main memory and storage device. Claim 13 is further rejected by similar rational as claim 11 by Bodamer].

**Claim 14:**

Bodamer discloses,

**a computer data signal transmitted in one or more segments in a transmission medium which embodies instructions executable by a computer to perform the method claimed in claim 11**[col. 4 lines 10-51, instructions executable by a processor. Claim 14 is further rejected by similar rational as claim 11 by Bodamer].

*Conclusion*

The prior art made of record listed on PTO-892 and not relied, if any, upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Pham  
Art Unit 2167  
Examiner  
8/3/06

Debbie Le  
Art Unit 2168  
Primary Examiner  
8/3/06

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John Cottingham

Art Unit 2167

Supervisor

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